

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

JAMES ROBINSON and  
RESHELLE ROBINSON,

Plaintiffs,

No. 08-CV-13048-DT

vs.

Hon. Gerald E. Rosen

WELLS FARGO BANK, N.A. and  
FIRST FRANKLIN MORTGAGE LOAN  
TRUST 2003-FFH2,

Defendants.

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ORDER ADOPTING MAGISTRATE JUDGE'S REPORT AND  
RECOMMENDATION AND DENYING DEFENDANT WELLS FARGO'S  
MOTION TO DISMISS, WITHOUT PREJUDICE

At a session of said Court, held in  
the U.S. Courthouse, Detroit, Michigan  
on September 4, 2009

PRESENT: Honorable Gerald E. Rosen  
Chief Judge, United States District Court

This matter having come before the Court on the July 22, 2009 Report and Recommendation of United States Magistrate Judge Paul J. Komives recommending that the Court deny Defendant Wells Fargo Bank, N.A.'s October 16, 2008 Motion to Dismiss, without prejudice to Wells Fargo's right to renew this motion after Plaintiffs file their first amended complaint; and no timely objections to the Report and Recommendation having been filed; and the Court, having reviewed the R&R and the entire record of this matter, having concurred in the Magistrate Judge's recommendation,

and being otherwise fully advised in the premises,

NOW, THEREFORE,

IT IS HEREBY ORDERED that the Magistrate Judge's Report and Recommendation of July 22, 2009 [**Dkt. # 23**] is adopted by the Court.

IT IS FURTHER ORDERED that, for the reasons stated by the Magistrate Judge, Defendant Wells Fargo's October 16, 2008 Motion to Dismiss [**Dkt. # 10**] is DENIED, without prejudice to Wells Fargo's right to renew this motion after Plaintiffs file their first amended complaint.

SO ORDERED.

s/Gerald E. Rosen  
Chief Judge, United States District Court

Dated: September 4, 2009

I hereby certify that a copy of the foregoing document was served upon counsel of record on September 5, 2009, by electronic and/or ordinary mail.

s/Ruth Brissaud  
Case Manager